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BEFORE THE ARIZONA CORPORATION CC

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MARC SPITZER  
Chairman

JIM IRVIN  
Commissioner

WILLIAM A. MUNDELL  
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Commissioner

Arizona Corporation Commission

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AZ CORP COMMISSION  
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IN THE MATTER OF THE INVESTIGATION  
INTO QWEST'S CABLE WIRE AND SERVICE  
TERMINATION POLICIES AND TARIFFS  
AND THE POLICIES AND TARIFFS OF  
OTHER TELECOMMUNICATIONS  
CARRIERS WITH RESPECT TO ACCESS TO  
MTE/MDU TENANTS

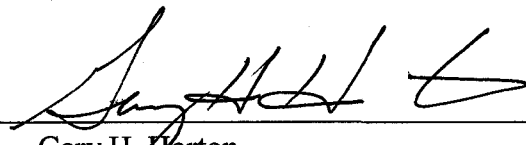
Docket No. T-00000A-02-0280

NOTICE OF FILING  
STATUS REPORT

The Arizona Corporation Commission Staff ("Staff") hereby files the Status Report in regard  
to the above-entitled matter.

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of September, 2003.

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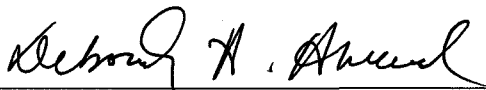
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**BEFORE THE ARIZONA CORPORATION COMMISSION**

**MARC SPITZER**

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TELECOMMUNICATIONS CARRIERS WITH )  
RESPECT TO ACCESS TO MTE/MDU TENANTS. )**

**DOCKET NO. T-00000-02-0280**

**STATUS REPORT**

September 5, 2003

## Status Report

### I. Introduction

On August 21, 2003, the Federal Communications Commission ("FCC") released its Triennial Review Order ("TRO").<sup>1</sup> By Procedural Order dated February 12, 2003, Staff is required to file a status report briefly stating the issues pertinent to this docket that were addressed by the FCC and containing Staff's procedural recommendations for this docket. The status report is to be filed within fifteen days of the FCC releasing its Order.

### II. Procedural History

On October 9, 2001, Cox Arizona Telcom, L.L.C. ("Cox") submitted *Exceptions to the Recommended Order* ("Exceptions") concerning "Emerging Service" in Docket No. T-00000A-97-0238.<sup>2</sup> The Emerging Services issues included issues related to sub-loop access.

In its *Exceptions*, Cox recommended that the Commission require Qwest Corporation ("Qwest") to modify the Cable, Wire and Services Termination Policy ("CWSTP") section of its tariff so that all new Qwest entrance facilities to multi-tenant environments and campus properties (as well as all major reconfigurations of Qwest entrance facilities at such locations) will have the Minimum Point of Entry ("MPOE") and the demarcation point located at the same place near the edge of the property line. The MPOE is the closest practicable point to where regulated telephone facilities cross a property line or enter a building.<sup>3</sup> This is the point where Qwest's network terminates. The demarcation point is the point of interconnection between Qwest's regulated telecommunications facilities and terminal equipment, protective apparatus or wiring at a premise.<sup>4</sup>

During its November 16, 2001 Special Open Meeting, the Commission directed Staff to open a proceeding to examine the issues raised by Cox. On April 12, 2002, Staff requested that a Generic Docket be opened and also filed a request for Procedural Order in order to obtain information from interested parties. By Procedural Order dated July 29, 2002, the interested parties were required to reply to the list of questions that Staff had included in its request for a Procedural Order. Comments by AT&T Communications of the Mountain States, Inc, were docketed on August 29, 2002. Comments by Qwest and Cox were docketed on August 30, 2002.

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<sup>1</sup> In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers et al., Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, CC Docket Nos. 01-338 et al., (Released August 21, 2003).

<sup>2</sup> In the Matter of US West Communications, Inc.'s Compliance with Section 271 of the Telecommunications Act of 1996, Docket No. T-00000A-97-0238.

<sup>3</sup> Qwest Corporation, Exchange and Network Services Price Cap Tariff, Section 2.1.

<sup>4</sup> Qwest Corporation, Exchange and Network Services Price Cap Tariff, Section 2.1.

### III. Discussion

#### A. Qwest's Cable, Wire, and Service Termination Policy Tariff

Qwest's CWSTP tariff allows for the placement and maintenance of regulated cable/wire and services to a point of demarcation that is mutually acceptable to Qwest and the premises owner.<sup>5</sup> There are four termination options from which the premises owner may choose. Option 1 provides for the termination of all Qwest facilities upon entering a building. This option is available for both single and multi-tenant buildings. The premises owner may choose to have Qwest terminate at common areas throughout buildings at mutually agreed to locations. This is Option 2 and this option is not available for single tenant buildings. Under Option 3, which is also not available to single tenant buildings, Qwest will terminate facilities at mutually agreeable locations within each individual space/units within 12" of the cable/wire entry. Finally, Option 4 provides for the termination of facilities at one mutually agreed upon location on the property.

Under Cox's proposed amendment to Qwest's CWSTP tariff, only Option 4 would be available to premises owners. Therefore, premises owners for all new installations and significant reconfigurations would be responsible for cable/wiring from the MPOE/demarcation point at the property line to all buildings, common areas or individual space/units.

#### B. Cox's Position on Access to MTE/MDU Tenants

In its response to comments submitted by other parties in this proceeding, Cox indicated that its proposal for Multi-Tenant Environment/Multi-Dwelling Unit ("MTE/MDU") tenant access has evolved and no longer mandates the placement of the MPOE. Cox believes that the MPOE should be located and configured in such a manner as to allow ready and easy access to the MPOE. The MPOE could be located well inside the MDU property, provided there is sufficient available conduit connecting the MPOE to the property edge.

#### C. The Issues Pertinent To This Docket That Were Addressed By the FCC

In its Triennial Review Order, the FCC addressed subloops for Multiunit Premises Access and Network Interface Devices ("NIDs"). The FCC addressed the issue by ordering that:

- a. Incumbent LECs must offer unbundled access to subloops necessary to access wiring at or near a multiunit customer premises, including the Inside Wire Subloop, *i.e.*, all incumbent LEC loop plant between the

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<sup>5</sup> Qwest Corporation, Exchange and Network Services Price Cap Tariff, Section 2.8.A

MPOE at a multiunit premises and the point of demarcation, regardless of the capacity level or type of loop the requesting carrier will provision the customer.

- b. Unbundled access must be provided at any technically feasible accessible terminal at or near the multiunit premises, including but not limited to, a pole or pedestal, a network interface device, the MPOE, the single point of interconnection ("SPOI") or a feeder distribution interface.
- c. A requesting carrier accessing a subloop on the incumbent LEC's network side of the NID obtains the NID functionality as part of the subloop.
- d. Upon notification by a requesting carrier that interconnection is required through a SPOI, an incumbent LEC is required to provide a SPOI at multiunit premises where the incumbent LEC owns, controls or leases the wiring at such premises.<sup>6</sup>

## VI. Procedural Recommendations

Staff recommends that the parties be provided thirty days to submit their interpretation of the FCC's rulings regarding access to MTE/MDU tenants in the TRO and to answer the following questions:

- a. Describe the manner in which the FCC's Triennial Review Decision resolves Cox's concerns about Qwest's CWSTP tariff and Cox's request listed below:
  - 1. Cox's request that the Commission require Qwest to modify its Cable, Wire and Service Termination Policy tariff on a going-forward-basis only to eliminate its potential anti-competitive effects.
  - 2. Cox's concern "... that the existing Qwest tariffs will act to perpetuate problems with Competitive Local Exchange Carrier ("CLEC") access to subloops."
  - 3. Cox's belief that three of the options offered in the CWSTP tariff interfere with CLEC access to MTE/MDU tenants and increase the cost of access.
  - 4. Cox's belief that the MPOE should be located and configured in such a manner as to allow ready and easy access to the MPOE.
- b. Does Cox's position conflict with any portion of the FCC's ruling?

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<sup>6</sup> See TRO at paras. 346-50; 47 C.F.R. Section 51.319(b)(2).

- c. Is it necessary to continue with this docket in light of the FCC's decision in this matter?
- d. If the response to b. is affirmative, what issues need to be addressed and how would you recommend that they be resolved.

The parties should then be given fourteen days to respond to the filings made by the other parties. Staff will summarize the comments and make a recommendation on whether to proceed to hearing on this matter.

If at any point, Cox determines that its concerns have been addressed and notifies the Commission of its decision, Staff recommends that this docket be closed.